

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

TAJ BECKER, M.D.

Plaintiff,

vs.

J. DENIS KROLL, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION FOR RECONSIDERATION

Case No. 2:02-CV-24 TS

This matter is before the Court on Defendants' Motion for Reconsideration on this Court's order excluding Dr. Satovick from testifying at trial. For the reasons discussed below the Court will grant in part and deny in part the motion.

On January 28, 2010, this Court granted Plaintiff's motion to exclude all testimony of Dr. Satovick based on non-disclosure and therefore non-compliance with the rules of Federal Civil Procedure. Later that day Defendants filed this Motion, in which facts regarding the disclosure of Dr. Satovick as a fact witness were revealed to the Court for the first time. Plaintiff filed an opposition to the motion to reconsider but did not address the fact witness issue, instead Plaintiff focused on the exclusion of Dr. Satovick as an expert witness. With the additional facts about Defendants disclosure of Dr. Satovick as a fact witness and Plaintiff's failure to contest that issue

the Court will allow Dr. Satovick to testify as a fact witness.


However, because the Court still finds Defendants have failed to comply with rules regarding expert testimony, it will not permit Dr. Satovick to testify as an expert.

It is thereby

ORDERED that Defendants' Motion to Reconsider is GRANTED IN PART AND DENIED IN PART (Docket No. 269) as laid out above.

DATED February 1, 2010.

BY THE COURT:



TED STEWART
United States District Judge